

REMARKS

Claims 23 – 41 were presented for consideration in the present application. Claims 26, 34-38, and 41 were previously canceled. Claims 23 – 25, 27 – 33, 39 and 40 remain pending.

Independent claim 23 has been rejected under 35 U.S.C. §102(e) as being anticipated U.S. Patent No. 6,175,055 to Schone et al. (hereinafter "Schone"). Applicant respectfully submits that the present amendments to claim 23 have overcome this rejection.

Independent claim 23 is directed to a method of incorporating zeolite in a tampon for suppression or removal of menstrual odors. The method comprises, *inter alia*, distributing zeolite granules on a first non-woven web. The zeolite granules are the sole odor-absorbing materials incorporated into the tampon.

Schone is directed to an absorbent article that has unactivated bentonite clay incorporated therein as an odor control material. (Abstract) The odor control materials of Schone comprise at least 50% by weight, preferably 80%, of the bentonite. (col. 1, l. 32-36) In one embodiment, the bentonite clay is the only odor control material. (col. 1, l. 37-38)

As stated above, claim 23 requires that zeolite granules be the sole odor-absorbing materials incorporated into the tampon. Schone, by contrast, uses bentonite clays, and in fact states that it is preferred not to use zeolite, or at least a majority of zeolite. This is because, amongst other reasons, Schone deems bentonite to be less expensive than zeolite, more readily available, and easier to work with in the production process. (col. 1, l. 42-58)

Therefore, Schone clearly does not disclose or suggest a method of incorporating zeolite into a tampon wherein zeolite granules are the sole odor-absorbing

materials incorporated into the tampon, as required by claim 23. Applicant respectfully requests that the rejection of claim 23 be reconsidered and withdrawn.

Dependent claims 24, 25 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schone in view of U.S. Patent No. 5,165,152 to Kramer et al. (hereinafter "Kramer").

Claims 24, 25, and 40 all depend from claim 23. Kramer fails to cure the deficiency of Schone to disclose or suggest the method of claim 23, and is not relied on by the Office Action to do so. Kramer is directed to a process and apparatus for the continuous production of absorbent bodies, and does not disclose any odor-absorbing materials at all, let alone the zeolite granules of claim 23 that are the sole odor-absorbing materials incorporated into the tampon. Therefore, claims 24, 25, and 40 are patentable over the cited combination of Schone and Kramer. Applicant respectfully requests that the rejection be withdrawn.

Claims 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schone in view of Kramer, and further in view of U.S. Patent No. 4,826,497 to Marcus et al. (hereinafter "Marcus"). Claim 27 has been rewritten in independent form, and includes the features of claim 24.

Independent claim 27 is directed to a method of incorporating zeolite in a tampon for suppression or removal of menstrual odors. The method comprises, *inter alia*, distributing zeolite granules on a first non-woven web. The zeolite granules are one or more natural zeolite granules, and are the sole odor-absorbing materials incorporated into the tampon.

Schone and Kramer are discussed above. Marcus is directed to fibrous absorbent articles containing an effective amount of crystalline, siliceous molecular sieves. (Abstract). The molecular sieves include microporous crystalline

aluminosilicates, such as zeolites, as well as the "so-called silica polymorphs." (col. 4, l. 35-38)

As discussed above, the cited combination of Schone and Kramer fails to disclose or suggest zeolite granules that are the sole odor-absorbing materials incorporated into a tampon, as required by claim 27. Marcus fails to cure this deficiency. In fact, Marcus expressly states that the molecular sieves employed therein are a combination of crystalline aluminosilicates such as zeolites, "as well as" silica polymorphs. (col. 4, l. 38, emphasis added). This interpretation is verified by the Examples shown in Marcus. All of the Examples, discussed in cols. 9-11, contain zeolites (identified as the "LZ" series of compounds) and at least one other molecular sieve, such as silicalite. Clearly, the cited combination of Schone, Kramer, and Marcus fails to disclose or suggest a method for incorporating zeolite into a tampon wherein the zeolite is the sole odor-absorbing material incorporated therein, as required by claim 27.

Furthermore, claim 27 requires that the zeolite be one or more natural zeolites. Again, the cited combination fails to disclose or suggest this feature. Schone clearly does not contemplate natural zeolites at all. In distinguishing the bentonite clays discussed therein, Schone states that "in contrast to carbon black or zeolite, bentonite is a naturally occurring mineral." (col. 1, l. 62-63, emphasis added) Schone, therefore, while teaching natural bentonite clays, only discloses zeolites that are not natural, in contrast to the requirements of claim 27. Kramer, as stated above, does not disclose any odor-absorbent materials at all, let alone the natural zeolites required in claim 27.

As stated in the Office Action, Marcus discloses natural zeolites such as clinoptilolite. (col. 3, l. 32-33) However, this disclosure comes in the background section of Marcus as one of the disfavored methods of the prior art. Marcus states that the preferred zeolites for the invention disclosed therein are synthetic. (col. 5, l. 15-48) This interpretation is further verified by the fact that, as stated in Marcus, clinoptilolite has a silicon dioxide/aluminum oxide molar ratio of about ten. (col. 3, l. 33-35) Marcus expressly states, however, that for the invention disclosed therein, any zeolites used

must have a silicon dioxide/aluminum oxide molar ratio of "from at least about 18, say, about 35 to infinity, and preferably from 200 to 500." (col. 4, l. 10-12) Therefore, Marcus expressly teaches away from using the one or more natural zeolites required in claim 27, and can not be combined with Schone and Kramer in the way espoused by the Office Action.

Therefore, for at least the reasons that the cited combination of Schone, Kramer, and Marcus fails to disclose or suggest zeolite as the sole odor-absorbing material incorporated into a tampon, and because the cited combination also teaches away from using natural zeolites, claim 27 is patentable over Schone, Kramer, and Marcus under 35 U.S.C. 103(a). Claims 28 and 29 depend from claim 27, and are also patentable for at least the reasons provided above with respect to claim 27. Applicants respectfully request that this rejection be reconsidered and withdrawn.

Dependent claims 30-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schone in view of Kramer and Marcus, and further in view United States Patent No. 6,030,608, to Hoyes et al., hereinafter "Hoyes."

Claims 30-33 depend from claim 27. Hoyes fails to cure the deficiency of Schone, Kramer, and Marcus to disclose or suggest the method of claim 27, and is not relied on by the Office Action to do so. Hoyes is merely relied on for the chemical name of clinoptilolite. Therefore, claims 30-33 are patentable over the cited combination of Schone, Kramer, Marcus, and Hoyes, for at least the reasons provided above with respect to claim 27. Applicants respectfully request that the rejection be reconsidered and withdrawn.

Claim 39 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schone in view of Marcus.

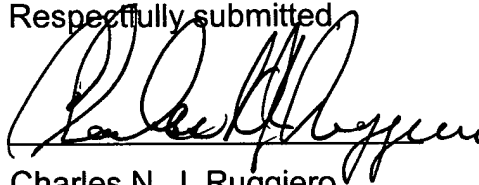
Claim 39 depends from claim 23. As previously discussed, neither Schone, nor Marcus, nor the combination of the two, discloses or suggests a method of incorporating

zeolite in a tampon, wherein the zeolite is the sole odor-absorbing material incorporated into the tampon, as required by claim 23. Therefore, for at least the reasons provided above in support of the patentability of claim 23, claim 39 is also patentable over Schone in view of Marcus. Applicants respectfully request that this rejection be reconsidered and withdrawn.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N. J. Ruggiero", written over a horizontal line.

Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401